IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

OP.No. 38948 of 2001(J)

PETITIONER:

KERALA STATE CO-OPERATIVE BANK LTD
REPRESENTED BY ITS MANAGING DIRECTOR,
CO-BANK TOWERS, PALAYAM THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR

BY ADV. SRI.T.R.RAMACHANDRAN NAIR
SRI.KOSHY GEORGE

RESPONDENTS:
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1. M/S CHECKMATEGARDENS , THIRUMULLAVARAM
KOLLAM, REPRESENTED BY ITS MANAGING PARTNER

2. G.GIRI,'GANGO' MUNDAKKAL P.O
KOLLAM,(MANAGING PARTNER, CHECKMATE GARDENS,
THIRUMULLAVARAM KOLLAM)

3. G.GIRIJA(PARTNER, CHECKMATE GARDENS)
'GANGO' MUNDAKKAL P.O, KOLLAM

4. THE KERALA CO-OPERATIVE TRIBUNAL
TRIVANDRUM

5. KERALA FINANCIAL CORPORATION
VELLAYAMBLAM, THIRUVANANTHAPURAM
REPRESENTED BY ITS MANAGING DIRECTOR

BY ADV. SRI.P.B.SURESH KUMAR
SRI.V.B.UNNIRAJ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P No. 38948/2001 **APPENDIX**

PETITIONER'S EXHIBITS

Ext.P1: True copy of the award in ARC 28/96

Ext.P2: True copy of the Order in R.P No.33/2000 of theCo-op Tribunal , Trivandrum

//True copy//

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KURIAN JOSEPH, J.

O.P.No. 38948 of 2001

Dated this the 16th day of March, 2007

JUDGMENT

In view of the judgment of this court regarding rate of interest, in **Kerala State Co-operative Bank Ltd. v. Kerala Co.operative Tribunal**, 2005 (1) KLT 572, in any case the matter has to be reconsidered by the Tribunal. I set aside Ext.P2. The matter is remitted to the Tribunal to pass fresh orders in the light of the decision referred to above.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.38948/2001

JUDGMENT

16th March, 2007